

ARTICLE 12

DEFINITIONS

The following definitions shall be used in the interpretation and administration of this Ordinance. The definition of various terms as presented herein does not necessarily represent the same definitions as may be found for the same terms in other Chapters **of the Code of the County of Fauquier, Virginia.**

ABUTTING: (See also adjacent/adjoining; contiguous) Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

ACCELERATION: See definitions under VIBRATION.

ACCESS, DIRECT: Where this term is used in a special permit and special exception standard, it may be employed by the Board or BZA flexibly, reflecting the type, scale and intensity of the proposed use, its traffic characteristics, the characteristics of the state maintained road to which the use will connect and the distance from this entrance to the nearest major collector or higher of other classification called for by the standard.

ACCESSORY BUILDING: An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

ACCESSORY SERVICE USE: Accessory service uses as permitted by this Ordinance are set forth in Part 7 of Article 8. An accessory service use is a use which:

- a. is subordinate to and serves a principal use; and
- b. is subordinate in purpose, area and extent to the principal use served; and
- c. contributes primarily to the comfort and convenience of the occupants, business enterprise or industrial use served; and
- d. is generally located within the building housing the principal use served, except as qualified by the provisions of Section **8-703.**

ACCESSORY USE: Accessory uses as permitted by this Ordinance are set forth in Part 7 of Article 8. An accessory use is a use or building which:

- a. is clearly subordinate to, customarily found in association with, and serves a principal use; and
- b. is subordinate in purpose, area or extent to the principal use served; and
- c. contributes to the comfort, convenience or necessity of the occupants, business enterprise or industrial operation within the principal use served; and
- d. is located on the same lot as the principal use, except any building that is customarily incidental to any agricultural use shall be deemed to be an accessory use whether or not it is situated on the same lot with the principal building.

ACRE: A measure of land equaling to 43,560 square feet.

ACREAGE, GROSS: The overall total area of real property.

ACREAGE, NET: The remaining area after all deductions are made; with deductions including streets, easements for access, street dedications and similar areas.

ADAPTIVE USE: Any special permit use conducted in accordance with the provisions of Articles 3 and 4 and Part 1 of Article 8; generally, the use of a dwelling built prior to 1940 for a use other than as a single family residence.

ADJACENT/ADJOINING: (See also abutting; contiguous) Lying near or close to; sometimes, contiguous; neighboring. Adjacent implies that the two objects are not widely separated, though they may not actually touch.

ADMINISTRATOR: The Fauquier County Zoning Administrator.

ADMINISTRATIVE PERMIT: A permit issued by the Zoning Administrator in accordance with the provisions of Article 9 of this Ordinance and the standards of Article 8 of this Ordinance.

AFFORDABLE HOUSING: Housing constructed for sale or rent by households whose incomes are classified as low or moderate. Low

income households are those with incomes that are sixty percent (60%) or less of the County median income. Moderate income households are those with incomes that are eighty percent (80%) or less of the County median income. The County median income shall be determined as defined below.

The following additional definitions relate to affordable housing:

COUNTY MEDIAN INCOME: That income being in the middle of the Fauquier County incomes as determined by the United States Department of Housing and Urban Development (HUD) or other sources of information, approved by the Board of Supervisors, that provide such information. Such incomes are to be adjusted annually by HUD or other accepted sources. For affordable housing project developments provided under the provisions of this ordinance, the median county income level under which a development plan is approved shall be valid for a period of one year from the date of approval. If actual construction of housing has not started at the end of one year, the rate will be adjusted to the median income then in effect.

MARKET RATE HOUSING: Housing in a development that is not being provided exclusively for low and moderate income households.

AGRICULTURAL AND FORESTAL DISTRICT: A district created pursuant to Chapter 36 of the Code of Virginia.

AGRICULTURALLY RELATED USES, COMMERCIAL HIGHWAY (C-2) ZONING DISTRICTS: The following uses are considered to be agriculturally-related when located within a Commercial Highway (C-2) zoning district:

- a. Lumber yard with incidental retail sales of less than 5,000 square feet in size.
- b. Carpentry/plumbing/electrical/printing/welding/sheet metal shops, less than 5,000 square feet in size.
- c. Auto repair garage including motor vehicle impoundment yard screened from view with a maximum of ten (10) vehicles as an accessory use.
- d. Auto body painting establishment.
- e. Truck and heavy equipment sales, rental, and service.
- f. Wholesale trade establishment.
- g. Contractor's office, shops, and material storage yard, less than one acre in size.

- h. Animal shelter.
- i. Field event and activities, classes A, B, and C.
- j. Kennel/animal shelter.
- k. Veterinary clinic.
- l. Farm supply establishment.
- m. Taxidermy.
- n. Farm equipment sales, rental, and service.
- o. Commercial storage and processing of bulk agricultural products.
- p. Frozen food locker.
- q. Crop/livestock farm.
- r. Horse farm.
- s. Truck farm.
- t. Plant nursery/greenhouse, wholesale.
- u. Plant nursery/greenhouse, retail.
- v. Forestry.
- w. Recreational vehicle storage area if totally screened from view.
- x. Mini-storage warehouses

AGRICULTURE: The use of a tract of land not less than five (5) acres for (a) the tilling of the soil, (b) the growing of crops or plant growth of any kind in the open, including forestry, (c) pasturage, (d) horticulture, (e) dairying, (f) floriculture or (g) raising of poultry and/or livestock.

The term agriculture shall not include the following uses: (a) the maintenance and operation of commercial greenhouses and hydroponic farms, (b) the operation or maintenance of a commercial stockyard or feed yard, (c) the manufacture, processing or storage of mulch made from off-site material or for commercial purposes, (d) the sorting and grading of logs and trees except where the logs and trees are from on-site or from adjoining properties. Furthermore, the definition of agriculture shall not be deemed to preclude (a) the keeping of livestock on parcels of two (2) acres in size as permitted by Section 2-512, or (b) gardening as permitted as an accessory use in Section 6-102. Provided, however, subsection (c) of this above provision shall not apply to applications received by the Department of Community Development on or before March 17, 2003.

AIRPORT: For the purposes of the Airport Safety and Impact Overlay District: the Warrenton-Fauquier Airport and the Culpeper Regional Airport.

AIRPORT ELEVATION: The highest point on any usable landing surface expressed in feet above mean sea level.

AIRPORT ZONE: A zone that is centered about the runway and primary surface of the airport, with the floor set by the horizontal surface.

ALLEY: A narrow strip of land intended for vehicular traffic which has a minimum width of twenty (20) feet and is designed to give access to the side or rear of properties whose principal frontage is on another street.

AMPLITUDE: See definitions under VIBRATION.

AMUSEMENT ARCADE: Any facility containing more than four of the following items in a condition suitable for their intended use: pool, billiard or similar table; pinball machines, bowling, foosball, shuffleboard or similar game; electronic or video game; or any similar game or entertainment device.

AMUSEMENT CENTER: An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting gallery, table games and similar recreational diversions within an enclosed building.

ANIMALS: See LIVESTOCK.

ANIMAL SHELTER (GOVERNMENTAL): As differentiated from a KENNEL as defined herein, any place so designed to provide for the temporary accommodations and/or disposal of five (5) or more common household pets which are stray or not wanted by their owner(s) until appropriate disposition of such pets can be effectuated, and operated by a governmental agency.

ANIMAL WASTE STORAGE FACILITY: Any pit, tank, lagoon or place where animal waste in excess of 20 cubic yards is stored.

ANTENNA: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omni-directional antennas such as whips and satellite dishes, but not including satellite earth stations.

APARTMENT, EFFICIENCY: An independent dwelling unit contained within a single family residential structure or its appurtenant **structures** and clearly subordinate to the principal dwelling.

APARTMENT, FAMILY: An independent, subordinate dwelling unit located on the same lot as the home of the apartment resident's relatives.

APPROACH SURFACE: A surface, longitudinally centered on the runway centerline, existing outward and upward from the primary surface, whose design standards are set forth in Part 77, Subchapter E (Airspace) of the Title 14 of the Code of Federal Regulations or in successor federal regulations.

APPROACH ZONE: A zone that extends away from the runway ends, whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations.

AQUACULTURE: The growing of crops or plant growth using water as the primary growth medium.

ARCHITECT: A professional who is registered with the State Department of Professional and Occupational Registration as an architect.

AUTO IMPOUNDMENT FACILITY: A parcel of land, or a building that is used for the storage of wrecked motor vehicles, usually awaiting insurance adjustment or transport to a repair shop, and where motor vehicles are kept not exceeding thirty (30) days.

AUTOMOBILE/VEHICLE GRAVEYARD: Any lot or place which is exposed to the weather and upon which more than two (2) motor vehicle trailers or semi-trailers of any kind which are "inoperable" or "junk vehicles" are placed, located or found.

AUTOMOBILE SERVICE STATION: See SERVICE STATION.

AUTOMOTIVE SELF-SERVICE STATION: That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such as establishment shall be permitted to offer for retail sale other convenience items as a clearly secondary activity and shall be permitted also to include a free-standing automatic car wash.

AUTOMOTIVE SERVICE STATION: That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service and food sales.

AVIARY: A place for keeping birds confined for the purpose of raising, exhibiting, or selling.

AVIGATION EASEMENTS: An easement of dedication between property owners and a licensed, public airport granting the right of flight to pass over the property as a means of securing the long-term economic viability of the public airport.

BARN: A structure used in conjunction with an agricultural use, which may include the housing of livestock and/or storage of fodder.

BASEMENT: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

BED AND BREAKFAST FACILITY: A limited commercial activity, conducted within a structure, which includes dining and bathroom facilities with sleeping rooms for short-term guest lodging. See also Tourist Home or Boarding House.

BIOSOLIDS: Sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with this chapter.

BIOSOLIDS, CLASS A: The residue of a wastewater treatment facility containing the solids removed by treatment process and which meets all current requirements of the State Health Department and approved thereby as Class A Sludge for land disposition..

BLOCK: Land, or a group of lots, surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision tract.

BOARD OF SUPERVISORS OR BOARD: The governing body of Fauquier County, Virginia

BOARD OF ZONING APPEALS (BZA): A body of officials appointed in accordance with the provisions of Section 15.2-2308 of the Code of Virginia and performing duties as prescribed in Section 15.2-2309 of the Code of Virginia and in Article 11 of this Ordinance.

BOARDING HOUSE: A dwelling containing a single dwelling unit and not more than ten guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than one week.

BUFFERING AND SCREENING: Any device or natural growth, or a combination thereof, which serves as a barrier to vision, light or noise between adjoining properties and between transportation rights-of-way and adjoining properties.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, ACCESSORY: See ACCESSORY USE.

BUILDING FRONT: That one (1) face or wall of a building which is architecturally designed as the front of the building which normally contains the main entrance(s) for use by the general public.

BUILDING GROUP: A group of two (2) or more main buildings and any uses accessory thereto, occupying a lot in one ownership and having any yard in common.

BUILDING HEIGHT: See HEIGHT, BUILDING.

BUILDING LINE: The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

BUILDING, PRINCIPAL: A building in which is conducted the primary use of the lot on which it is situated.

BUILDING, TEMPORARY: A building used temporarily for the storage or construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

BULK REGULATIONS: Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include provisions controlling (a) minimum building height, (b) lot coverage, (c) minimum yard requirements, and (d) minimum landscaped green space.

BUSINESS OFFICE: See OFFICE, BUSINESS.

CAMP OR RECREATION GROUND: An area or premise operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying

camping trailers, self-propelled campers, tents and/or lodges. With such accommodations are normally to be found facilities for picnicking, boating, fishing, swimming, outdoor games and other sports and activities, but not including miniature golf courses, golf ranges or any mechanical amusement devices. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park as defined herein.

CAMPING TRAILER: A vehicular portable structure mounted on wheels, constructed with collapsible, partial side walls or fabric, plastic or other pliable materials for folding compactly while being transported.

CANDLE: See definitions under GLARE.

CANOPY: A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy, placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

CAPITAL IMPROVEMENTS PROGRAM: A document adopted by the Board in accordance with 15.2-2239, Code of Virginia, and abbreviated CIP.

CAR/VEHICLE WASH: A structure, or portion thereof, containing facilities for washing motor vehicles, using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices.

CARNIVAL: A traveling or transportable group or aggregation of rides, shows, games or concession or any combination thereof.

CARPORT: Any space outside a building and contiguous thereto, wholly or partially covered by a roof and used for the shelter of parked motor vehicles. A carport is to have no enclosure, other than the side of the building to which the carport is contiguous, that is more than eighteen (18) inches in height, exclusive of screens.

CENTER LINE: A line lying midway between the side lines of a street or alley right-of-way.

CHURCH: See PLACE OF WORSHIP.

CIRCUS: A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure, with or without other sideshows.

CLUSTER SUBDIVISION/DEVELOPMENT: See SUBDIVISION, CLUSTER.

CODE OF VIRGINIA: The Code of Virginia, 1960, as amended.

COLLEGE OR UNIVERSITY: For the purpose of this Ordinance, a college or university shall be deemed to include a proprietary school that is approved, licensed and bonded by the Proprietary School Service Office of the State Department of Education.

COLUMBARIUM: A building or structure designed with niches for the location of urns to hold the ashes of cremated persons.

COMMERCIAL HUNTING OR FISHING PRESERVE: An area of land upon which a fee is charged for public or private hunting or fishing and upon which game or fish are grown or stocked for fee specifically for hunting or fishing thereon.

COMMERCIAL VEHICLE: Any vehicle with a rated carrying capacity of 2000 pounds (1 ton) or more, and any vehicle, regardless of capacity, which displays advertising letters thereon or which is licensed as a "for hire" vehicle. For the purposes of this Ordinance, commercial vehicles shall not be deemed to include any vehicle operated by a public agency, farm vehicles or equipment located on property used for agricultural purposes, motor homes, camping trailers, boats, boat trailers, horse trailers or similar recreation equipment recognized as personal property and not for hire, and/or any public or private vehicle used exclusively for the transportation of persons to and from a school, place of worship, or activities related thereto.

COMMISSION: SEE PLANNING COMMISSION The Fauquier County Planning Commission.

COMMON OPEN SPACE: See OPEN SPACE, COMMON.

COMMUNITY FARMERS MARKET : A principal use in rural agriculture zoning districts for the retail sales and preparation of agricultural, horticultural, and aquacultural products and hand made crafts subject to the provisions and use limitations in Article 8.

COMPREHENSIVE PLAN: The official document or elements thereof adopted by the Board, and intended to guide the physical development of the County or a portion thereof. Such plan, including maps, plats, charts,

policy statement and/or descriptive material, shall be that adopted in accordance with Section **15.2-2223** of the Code of Virginia.

CONCEPT DEVELOPMENT PLAN (CDP): A submission requirement for rezoning applications which depicts the layout and/or design of a development, including phasing. The CDP, which is a component of the Development Plan required for a rezoning to a Planned Development district, may include both visual and written representation of the proposed development. An approved CDP becomes binding on all current and future owners of the land and may be amended only through the rezoning process.

CONDOMINIUM: A single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

CONFERENCE/CONVENTION CENTER: The necessary facilities to accommodate conventions or large meetings including retail or commercial establishments necessary to serve the people using such facilities.

CONICAL SURFACE: A surface, whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

CONICAL ZONE: A zone that circles around the periphery of the horizontal zone whose design standards are set forth in Part 77, Subchapter E (Airspace) of the Title 14 of the Code of Federal Regulations or in successor federal regulations.

CONSTRUCTION, COMMENCEMENT OF: Progress in the construction of a structure **as evidenced by performance of the first required inspection** by the County's Building Inspector **of the building or the first required inspection of the designated use.**

CONTIGUOUS: (See also abutting, adjacent/adjoining) Next to, abutting, or touching and having a boundary, or portion thereof, which is common.

CONTINUING CARE FACILITY: A facility **which** may consist of three (3) types of care, or any one or two types:

- a. Congregate Living Facility: a facility which provides independent living which may be affiliated with, or located near health care facilities.
- b. Adult Assisted Living: a facility for people who cannot live independently and who need assistance with daily chores and housekeeping.
- c. Nursing Home: a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

Such facilities may include as an integral part accessory commercial and other facilities and uses primarily for the use of residents and their guests, including but not limited to beauty shop, pharmacy, banking facilities, gift shop and similar facilities.

CONTRACTING BUSINESS, SMALL: A business which consists of

- a. **Construction and/or repair of building, roads, fencing and utility lines.**
- b. **Installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling.**
- c. **Excavating.**
- d. **Custom farming not in conjunction with a farming operation.**

CONTRACTOR'S OFFICES, SHOPS AND MATERIALS

STORAGE YARDS: Establishments for the construction and/or repair of buildings, roads and utility lines; installation and servicing of heating, cooling and electrical equipment; flooring, painting, plumbing, roofing, and tiling; and/or excavating.

CONVENIENCE STORE: Stores offering for sale groceries and other articles normally found in grocery stores and having not more than 3000 square feet gross floor area.

CONVENTIONAL SUBDIVISION: See SUBDIVISION CONVENTIONAL.

CORNER LOT: See LOT, CORNER.

COURT: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

COVENANT: A written agreement recorded in the land records of Fauquier County, Virginia, concerning the use, development or maintenance of a parcel of land or improvements thereto.

COVERAGE, LOT: See LOT COVERAGE.

CREMATORIUM: A place where bodies are consumed by incineration and the ashes are collected for permanent burial or storage in urns.

CUL-DE-SAC: A local street, one end of which is closed and consists of a circular turn-around.

CURB LINE: The face of a curb along private streets, travel-ways, service drives and/or parking bays/lots.

DAIRY FARM: An operation involved in the production of milk and including the keeping of more than five (5) animals.

DAY CARE CENTER: A structure, including a private residence, which receives children for care, maintenance and supervision for fewer than eighteen (18) hours per day, such children unattended by parent or legal guardian.

DAY CARE, FAMILY: The keeping for part-time care and/or instruction, whether or not for compensation, of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

DECIBEL: See definitions under NOISE.

DEDICATED OPEN SPACE: See OPEN SPACE, DEDICATED.

DENSITY: The number of dwelling units or lots for dwelling units per acre.

DEVELOPER: The legal or beneficial owner or owners of all the land proposed to be included in a given development or the authorized agent thereof. In addition, the holder of an option or contract to purchase, a lessee having a remaining term of not less than thirty (30) years, or other

persons having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of this Ordinance.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

DEVELOPMENT, MINIMUM SIZE: The smallest contiguous area allowed to be developed, including permanent open space or minimum landscaped green space, as part of one construction project..

DEVELOPMENT PLAN: A required submission for the approval of a rezoning application for a Planned Development or other Special Development District in accordance with the provisions of Article 7. The Development Plan shall consist of a Concept Development Plan and other plans and documents which may include, but not be limited to, proffer statements, dedications, contributions and design standards. The approved Development Plan governs the development of the property and is binding to all current and future owners of the property.

DIRECTOR: An appointed County official who serves as the Director of Community Development or **the designee of the Director.**

DISPLACEMENT: See definitions under VIBRATION.

DISTRIBUTION FACILITY: A facility for the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or breaking up into lots or parcels and subsequent shipment off-site of such goods or merchandise. Distribution may be provided to an entity with an identity of interest with the distribution center or to businesses and individuals unrelated to the distributor. The term “Distribution Facility ” shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

DISTRICT See Zoning District : (1) A zoning category into which an area of land is placed (zoning district), (2) a contiguous area of land all in the same zoning category.

DISTRICT, COMMERCIAL: A C-1, C-2, C-3 or CV Zoning District.

DISTRICT, INDUSTRIAL: An I-1 or I-2 Zoning District.

DISTRICT, MINIMUM SIZE: The smallest contiguous amount of land which can be rezoned to any zoning district unless the area to be rezoned is contiguous to an area already in the same zoning district as that proposed.

DISTRICT, OVERLAY: A zoning district superimposed on another, both having validity in governing the use of the property.

DISTRICT, RESIDENTIAL: A Village (V), R-1, R-2, R-4, Townhouse (TH), Garden Apartment (GA), or **Manufactured Dwelling Park (MDP)** Zoning District.

DISTRICT, RURAL: A Conservation (RC), Agriculture (RA), or RR-2 Zoning District.

DISTRICT, SPECIAL DEVELOPMENT: A Planned Residential District (PRD) or other special districts as provided for in Article 7.

DOG KENNEL: See KENNEL.

DRIVE-IN ESTABLISHMENT: A place of business so laid out that patrons can be accommodated while remaining in their automobile or vehicle.

DRIVEWAY: A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

DUSTLESS SURFACE: A surface adequately covered in accordance with good **engineering** practice with a minimum of either two (2) applications of bituminous surface treatment, concrete, bituminous concrete or equivalent paving material approved by the Director, and to be maintained in good condition at all times.

DWELLING: A building or portion thereof, but not a MOBILE HOME, designed or used for residential occupancy. The term dwelling shall not be construed to mean a motel, rooming house, hospital or other accommodation used for more or less transient occupancy.

DWELLING, DUPLEX: A building designed or arranged to be occupied by two families living independently, the structure having only two dwelling units.

DWELLING UNIT: Any building or portion thereof which contains living facilities, including provisions or sleeping, eating, cooking and

sanitation, as required by this code, for not more than one family, or a congregate residence for six or less persons.

DWELLING UNIT, LOW AND MODERATE INCOME: A dwelling unit satisfying the standards set forth in the **Fauquier County Board of Supervisors Policy on Housing Low and Moderate Income Families.**

DWELLING, MANUFACTURED HOME: A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. For the purpose of this Ordinance, a manufactured home shall not be deemed a single family detached dwelling.

DWELLING, MOBILE HOME: A single family residential unit with all of the following characteristics: (a) designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, (b) designed to be transported after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels, (c) arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like, (d) designed for removal to and installation or erection on other sites. A mobile home may include two (2) or more units, separately towable, which when joined together shall have the characteristics as described above. For the purpose of this Ordinance, a mobile home shall not be deemed a SINGLE FAMILY DETACHED DWELLING.

DWELLING, MODULAR UNIT: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees and other prefabricated supplements incorporated into a structure at the site. For the purpose of this Ordinance a modular unit shall be deemed a SINGLE FAMILY DWELLING and shall not be deemed a MANUFACTURED HOME.

DWELLING, MULTIPLE FAMILY: A residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground. A multiple family dwelling, commonly known as an apartment house, generally has a common outside entrance(s) for all the dwelling units, and the units are generally designed to occupy a single floor one above another. For the purpose of this Ordinance, a multiple family dwelling shall not be construed to mean a SINGLE FAMILY ATTACHED DWELLING as defined herein.

DWELLING, SINGLE FAMILY: A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

DWELLING, SINGLE FAMILY ATTACHED: A group of two (2) or more single family dwelling units which are joined to one another by a common party wall, a common floor-ceiling, whether or not such a group is located on a single parcel of ground or an adjoining individual lots. Each unit shall have its own outside entrance(s); architectural facades or treatment of materials shall be varied from one group of units to another; and no more than three (3) abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being one (1) foot. For the purpose of this Ordinance, dwellings such as a semi-detached garden court dwelling, quadraplex, triplex, patio house and townhouse shall be deemed a single family attached dwelling.

DWELLING, SINGLE FAMILY DETACHED: A single family dwelling unit which is entirely surrounded by open space or yards on the same lot.

EASEMENT: A grant by a property owner of the use of his land to another party for a specific purpose.

EATING ESTABLISHMENT: Any restaurant, coffee shop, cafeteria, short-order cafe, lunchroom, luncheonette, hotel dining room, dinner theater, tavern, sandwich stand, soda fountain, eating place or any other establishment maintained and operated where there is furnished for compensation food or drink of any kind for consumption primarily therein; provided, however, that an eating establishment qualified as an automobile-related use shall not be included within the meaning of this definition, and that a snack bar or refreshment stand at a public or nonprofit recreational facility, operated solely by the agency or group operating the recreational facility for the convenience of patrons of the facility, shall not be deemed to be an eating establishment. Entertainment which is provided for the enjoyment of the patrons shall be considered accessory to an eating establishment.

For the purpose of this Ordinance, such uses shall not include EATING ESTABLISHMENTS, FAST FOOD.

Dancing by patrons shall be considered as entertainment which is provided for the enjoyment of patrons, provided the space made available for such dancing shall not be more than one-eighth (1/8) of that part of the floor area available for dining. Provisions for dancing made available under this definition shall not be considered a "Dance Hall".

EATING ESTABLISHMENT, FAST FOOD: Any restaurant, short-order cafe, lunchroom, sandwich stand, eating place or any other establishment maintained and operated where there is furnished for compensation food or drink of any kind, characterized by over-the-counter service of pre-prepared or quickly prepared food which is ready for consumption either on or off premises. Such uses shall be characterized as being automobile-related and shall include drive-in restaurants.

EAVE: The projecting lower edges of a roof overhanging the wall of a building.

EAVE LINE: The extension of a roof line beyond the vertical wall of a building.

ELECTROMAGNETIC RADIATION: Electromagnetic waves utilized in application for radio, microwave, radar, television and other means of communication. The term shall not include light, X-ray or radioactive emissions.

ENGINEER: A professional who is registered with the State Department of Professional and Occupational Registration as a professional engineer.

EQUESTRIAN FACILITY: A commercial facility for the keeping of horse and training of horses and riders.

EXPLOSIVES: Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term "explosive" includes all materials classified as Class A, Class B or Class C explosives by Department of Transportation Regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, slurries, emulsions, water gels, blasting agents, blasting caps, electric blasting caps, safety fuse, fuse igniters, squibs, conreau detonate fuse, instantaneous fuse, igniter cord and igniters.

FAMILY: An individual or two more persons related by blood, marriage or adoption.

FARM ANIMALS: Animals other than household pets that are, where permitted, kept and maintained for commercial production and sale and/or family food production, education, or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep, goats; or small animals, e.g. rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

FARM EQUIPMENT SALES, RENTAL AND SERVICE

ESTABLISHMENT: Any use of land whereon the primary occupation is the sale, rental or service of vehicles in operating condition and non-vehicular equipment designed specifically for agricultural purposes whether for use on a farm or in the transportation of farm products, but shall not include buildings. For the purpose of this Ordinance, farm equipment sales, rental and service establishments shall not include SALES, RENTAL AND SERVICE OF AUTOMOBILES, MOBILE HOMES OR TRUCKS AND HEAVY EQUIPMENT, as defined herein, but may include farm equipment parts and accessory sales where installation of parts is a distinct feature of the business, and body and paint work, when ancillary to sales or repair shops.

FARMERS MARKET: The use of any tract of land in a rural zoning district for the retail sales of agriculture products, horticultural products, aquicultural products and hand made crafts **in accordance with the provisions of Section 8-118 . Retail sales shall be accessory to the principal use of the property and shall be on the same lot as contains the bona fide, primary residence of the property owner or lessee.**

FENCE: A freestanding structure of metal, masonry, composition or wood or any combination thereof resting on, or partially buried in, the ground and rising above ground level and used for confinement, screening or partition purposes.

FESTIVAL: Any fair, festival or similar activity where patrons are charged admission or other fees for the privilege of watching or participating in entertainment including, but not limited to, music shows, concerts and revivals.

FIELD EVENTS AND ACTIVITIES, CLASS A: Class A events and activities include steeplechase and other equestrian events, rodeos, dog and livestock shows, horse and tractor pulls, field sports, fireworks displays, fair and circuses, civil war reenactments and encampments, wine festivals and scouting encampments. Class A events and activities may have up to 50,000 cumulative spectators per

event and are subject to the additional regulations in paragraph 11 of Section 8-110 of this Ordinance.

FIELD EVENTS AND ACTIVITIES, CLASS B: Class B events and activities include equestrian events, rodeos, field sports, scholastic athletic contests, dog and livestock shows, horse and tractor pulls, festivals, arts and craft shows and related fund raising for charitable on non-profit activities, civil war reenactments and encampments, and scouting encampments. Class B events and activities may have up to 5,000 cumulative attendees per event and are subject to the additional regulations in paragraph 12 of Section 8-110 of this Ordinance.

FIELD EVENTS AND ACTIVITIES, CLASS C: Class C events and activities include equestrian events, rodeos, field sports, scholastic athletic contests, festivals, arts and craft shows and related fund raising for charitable on non-profit activities, family reunions, weddings, wedding receptions and similar receptions, picnics, educational seminars, and community-related arts, cultural, agricultural, and educational activities. Class C events and activities may have up to 1,000 cumulative attendees per event and are subject to the additional regulations in paragraph 13 of Section 8-110 of this Ordinance.

FINANCIAL INSTITUTION: Any building wherein the primary occupation is concerned with such State regulated businesses as banking, savings and loans, loan companies and investment companies.

FLOOD – 100 YEAR: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year.

FLOODPLAIN: All lands subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of the floodplain shall be the applicable current Flood Insurance Rate Map issued under the National Flood Insurance Program.

FLOODWAY: The channel of the watercourse and the adjacent land areas that, if kept free of encroachment, will carry the 100 year flood with an increase in flood height at any point in excess of one foot, regardless of encroachment in areas not within the floodway. For the purpose of this Ordinance, the floodway of any stream shall be that delineated therefore in the applicable current Flood Boundary Floodway Map issued under the National Flood Insurance Program, or in areas not covered by such a map, areas similarly delineated in an engineering study approved by the Board.

FLOOR AREA, GROSS (GFA): The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches when covered by a roof. The term gross floor area shall not include cellars or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.

FLOOR AREA, NET: The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

FLOOR AREA RATIO (FAR): The numerical value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed.

FOOT-CANDLE: See definition under GLARE.

FOOT LAMBERT: See definition under GLARE.

FORESTRY: The planting, growing and harvesting of trees, but not including saw milling or other processing of trees or parts thereof.

FREQUENCY: See definitions under VIBRATION.

FRONT YARD: See YARD, FRONT.

FRONTAGE: The width of a lot or parcel abutting a public right-of-way measured at the front property line.

FUEL YARD: A facility for the sale of firewood, coal and other similar solid substances to be used for heating; and include wholesaling and distribution.

FUNERAL HOME: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial, (b) the performance of autopsies and other surgical procedures, (c) the storage of caskets, funeral urns and other related funeral supplies, and (d) the storage of funeral vehicles, but shall not include facilities for cremation.

GARAGE: An accessory building or part of a principal building used only for the storage of passenger vehicles in operating condition as an

accessory use and having no provision for repairing or servicing such vehicles for profit.

GARAGE, PRIVATE: A building or a portion of a building not more than 1,000 square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

GROSS FLOOR AREA (GFA): See FLOOR AREA, GROSS

GIFT SHOP: Retail Sales Establishment of less than 5,000 square feet selling goods, merchandise, and commodities for use by the immediate purchaser.

GASOLINE STATION: See SERVICE STATION.

GLARE: A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance and visibility. The following terms are defined as they relate to the provisions of Part 6 of Article 8:

- **CANDLE:** The luminous intensity of one (1) standard candle.

- **FOOT-CANDLE:** The unit of illumination. The illumination on a surface one (1) square foot in area where there is a uniform distribution of light having a candle power of one (1) candela.

- **FOOT LAMBERT:** A unit of brightness equal to the brightness of a uniform diffusing surface which emits or reflects one (1) lumen per square foot.

- **ILLUMINATION:** The density of luminous energy falling upon a surface, usually measured in foot-candles.

- **INTRINSICALLY BRIGHT SOURCES:** A source of light of extremely high intensity.

- **PHOTOMETER:** An instrument for measuring the intensity of light.

- **WATT:** A unit of electrical power.

GOLF COURSE: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customarily found thereto.

GOLF DRIVING RANGE: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

GOLF PRACTICE FACILITY: A facility similar to a conventional golf course, but considerably smaller in size and primarily used for the teaching and practice of the game of golf. The course is centered around target greens from which the golf player practices stroke control, accuracy, and short game techniques. Such a facility may include a driving range as part of the overall course.

GOVERNMENTAL FACILITIES-COUNTY: A piece of ground and/or various buildings provided and kept for use by the general public for the location and provision of a combination of County governmental functions and/or community activities. Uses may include the following.

- a. Offices and/or facilities for general County governmental functions which may include but are not limited to such uses as sheriff/county detention, library and human services;
- b. Athletic and non athletic activities, classes, meetings, or other similar programs, under the general direction of the County;
- c. Passive recreational uses which may include picnic areas, trails, and other similar uses.
- d. Museum.
- e. School of special/technical education, indoor.
- f. School of special/technical education, outdoor.

GRADE: The lowest point at which a building's exterior walls meet the finished ground level.

GRAFFITI: Unauthorized marking on a structure.

GROSS LEASABLE AREA: (GLA) The total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet as measured from the center line of joint partitions and from outside wall faces.

GUEST ROOM: Any room and rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

GUNSMITHING: The making and repairing of firearms.

HAZARD TO AIR NAVIGATION: An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace.

HEALTH CLUB/SPA: An establishment, including saunas and steam baths, offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as weightlifting, calisthenics and aerobic/slimnastic dancing. Such use may provide massages, provided the health club/spa occupies an area greater than 5,000 square feet and not more than five (5) percent of the gross floor area is used for massages.

HEIGHT: For the purposes of determining the height limits in all zones set forth in the overlay district, the datum shall be mean sea level (MSL) elevation unless otherwise specified.

HEIGHT, BUILDING: The vertical distance between the GRADE and the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs.

HELIPORT: An area designed to accommodate all phases of operation of helicopters with suitable space and facilities for a terminal, loading, unloading, service and storage of such aircraft to include facilities for such accessory uses as are commonly associated with an airport terminal.

HELISTOP: An area designed to accommodate touch-down and lift-off of helicopters, for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie-down space and such additional facilities as are required by law, ordinance or regulation.

HOME OCCUPATIONS: Use of a dwelling unit for gainful employment which: (a) is clearly incidental and subordinate to the use of the dwelling unit; (b) is carried on solely within the main dwelling or an approved accessory building, does not exceed 250 square feet and does not alter or change the exterior character or appearance of the dwelling;

(c) is located in a residential or rural zoning district; and (d) is created and operated by the resident of the dwelling.

HORIZONTAL SURFACE: A horizontal plane, whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations, above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HORIZONTAL ZONE: A zone established at one hundred fifty (150) feet above the airport elevation, whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations.

HORSE SHOW: Exhibiting, judging, showing or racing of horses at a frequency greater than one a year where more than 100 spectators are reasonably anticipated.

HOSPITAL: Any institution receiving in-patients and rendering medical, surgical or obstetrical care to include general hospitals and specialized institutions in which care is oriented to cardiac, eye, ear, nose, throat, pediatric, orthopedic, skin and cancer and obstetric care.

HOTEL, MOTEL: A building or portion thereof or a group of buildings which provide sleeping accommodations in six (6) or more separate units or rooms for transients on a daily, weekly or similar short-term basis, whether such establishment is designated as hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel shall be deemed to include any establishment which provides residential living accommodations on a more-or-less permanent basis, such as an apartment hotel. It shall not include business or sales from rooms.

HOUSEHOLD PETS: See PETS, COMMONLY ACCEPTED

ILLUMINATION: See definition under GLARE.

IMPACT: See definition under VIBRATION.

IMPACT NOISE: See definition under NOISE.

IMPACT NOISE ANALYZER: See definition under NOISE.

IMPOUND YARD: See Automobile Impound Facility.

INOPERABLE VEHICLE: Any motor vehicle, trailer or semi-trailer which is inoperable but which is economically feasible to restore to operable condition, provided that **except for farm vehicles** such vehicle, trailer or semi-trailer shall be considered to be an inoperable vehicle:

1. If the license plate and/or required inspection sticker is expired.
2. If neither valid license plates nor a valid inspection decal is displayed.
3. Any motor vehicle which has been partially or totally disassembled for a period of 60 days or longer by the removal of tires and wheels, the engine or other essential parts required for operation of a vehicle.

INTERMENT USES: The burial of the remains of humans or animals, to include mausoleums, columbariums, cemeteries, memorial gardens and crematoriums.

JUNK VEHICLE: Any motor vehicle, trailer or semi-trailer which is inoperable and which, by virtue of its condition, cannot be restored economically to operable condition, provided that such vehicle, trailer or semi-trailer shall be presumed to be a junk vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than six (6) months, excluding farm vehicles which do not require same.

JUNKYARDS: The use of any space outside a building for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof; provided, that this definition shall not apply to outside storage as permitted as an accessory use under the provisions of **Part 7 of Article 8**. A junkyard shall also be inclusive of an AUTOMOBILE GRAVEYARD as defined herein.

KENNEL: Any place so designed that dogs **or cats** cannot escape where any number of dogs **or cats** are kept for the purpose of sale, rental, boarding, breeding, hire as guard dogs on other property, or for any commercial purpose or economic venture or dogs in excess of those permitted in Section 2-511 to include a pet shop, or an ANIMAL SHELTER as defined herein.

KENNEL, PRIVATE: The keeping, breeding, raising, showing or training of four or more dogs of six months of age for personal

enjoyment of the owner or occupants of the property and for which commercial gain is not the primary objective.

KITCHEN: Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

LAND SURVEYOR: An individual who is registered with the State Department of Professional and Occupational Registration as a land surveyor.

LANDING STRIP: A noncommercial, private facility for use by the owner and guests to accommodate the operations of aircraft, including fixed-wing aircraft and helicopters.

LANDSCAPE ARCHITECT : A professional who is registered in one (1) or more states as a landscape architect or is a member of the American Society of Landscape Architects.

LANDSCAPED GREEN SPACE: The space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or for a general appearance of openness. Landscaped green space may include but need not be limited to, lawns, decorative planting, flower beds, sidewalks/walk-ways, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

LANDSCAPING: The finishing and adornment of unpaved yard area. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

LDN AIRCRAFT NOISE CONTOURS: Lines located around an airport denoting aircraft noise levels, expressed as a weighted day-night average sound level measured in decibels.

LDN 65 NOISE CONTOUR: The aircraft noise contour widely used to delineate a line of significant noise impact. The Federal Aviation Administration has designated this as a standard for delineating compatibility of residential uses with airports.

LIVESTOCK: Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other hooved animals.

LOADING SPACE: Off-street space designated in accordance with the provisions of **Part 4 of Article 8** for the loading or unloading of goods.

LOT: A single parcel of land as defined in Section _____ of the Code of Virginia.

LOT AREA: The total horizontal area included within the lot lines of a lot.

LOT BOUNDARY: Same as LOT LINE as defined herein.

LOT, CLUSTER SUBDIVISION: See SUBDIVISION, CLUSTER.

LOT, CORNER: A lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed 135 degrees.

LOT COVERAGE: Determined by dividing that area of a lot occupied or covered by the total horizontal projected surface of all buildings including covered porches and accessory buildings, by the gross area of that lot.

LOT DEPTH: The average horizontal distance between the front and rear lot lines.

LOT, INTERIOR: Any lot, including a through lot, other than a corner lot.

LOT LINE: Any boundary line of a lot as defined herein. Where applicable, a lot line shall coincide with a STREET LINE.

LOT LINE, FRONT: A street line which forms the boundary of a lot or, in the case where a lot does not abut a street other than by its driveway, or is a through lot, that lot line which faces the principal entrance of or approach to the main building.

LOT LINE, REAR: The lot line that is most distant from and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot.

LOT LINE, SIDE: A lot line which is neither a front lot line nor a rear lot line as defined herein. On a corner lot, both lot lines which intersect street lines are side lot lines.

LOT, PIPESTEM: A lot approved in accordance with the provisions of **Section 2-402** which does not abut a public street other than by its driveway which affords access to the lot. The pipestem is that part of a lot which affords access and is less in width than the minimum lot width in the district in which located.

LOT, REGULAR-SHAPED: A lot which approximates a rectangle.

LOT, REVERSE FRONTAGE: A through or corner lot intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

LOT SIZE REQUIREMENTS: Restrictions on the dimensions of a lot to include a specified zoning district size, lot area and lot width, also established to limit the minimum size and dimensions of a lot in a given zoning district.

LOT, THROUGH: An interior lot (not a corner lot) abutting on two (2) or more public streets not including an alley. For the purpose of this Ordinance, a through lot shall be subject to the regulations of an INTERIOR LOT.

LOT WIDTH: The distance between side lot lines, measured in one of the following manners, whichever is applicable:

- a. In the case of a regular-shaped lot, the width shall be measured along the front lot line; or
- b. In the case of an irregular-shaped lot, the width shall be the average distance between the side lot lines, with the average distance to be measured at ten (10) foot intervals beginning at the front lot line; or
- c. In the case of a pipestem lot, the pipestem shall not be considered as part of the lot in determining the lot's width, in accordance with 1 or 2 above; or
- d. In the case of a lot which has a curvilinear front lot line, the width shall be measured from a line tangent to the required minimum front yard line at its midpoint in the lot.

In addition to the above manners of measurement, in no instance shall the dimensions of a lot along a line parallel to the front lot line and lying at a distance therefrom equal to the proposed front yard be less than the minimum lot width required for the zoning district in question.

LOW INCOME FAMILY: For the purpose of this Ordinance, as defined by the Fauquier County Board of Supervisors' Policy on Low and Moderate Income Families.

MANUFACTURED HOME (MOBILE HOME): A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet in length, or when erected on site is 320 square feet or more, and which is built on a permanent chasis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

MARINA: A facility designed and operated for profit or operated by any club or organized group where hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, fueling facilities and boat storage or any combination of these are provided.

MAUSOLEUM: A building or structure designed with vaults to hold multiple caskets or crematory urns.

MEDICAL CARE FACILITY: Any institution, place, building or agency, whether licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two (2) or more non related mentally or physically sick or injured persons, or for the care of two (2) or more non related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, physically disabled or crippled, including but not limited to, intermediate care facility, extended care facility, health maintenance organization, mental hospital, mental retardation facility, medical schools and other related institutions and facilities, whether operated for profit or nonprofit and whether privately owned or operated by a local government unit. This term shall not include physicians' office or first-aid station for emergency medical or emergency surgical treatment.

MEDICAL CARE FACILITY, MAJOR: A medical care facility with accommodation for 20 or more in-patients.

MEDICAL CARE FACILITY, MINOR: A medical care facility with accommodations for less than 20 in-patients.

MINING: The process by which stone, coal, sand, gravel, oil, gas, minerals or ore is removed from any surface or underground workings and produced for sale, exchange or commercial use and all shafts, slopes, drifts or inclines leading thereto and including all buildings, roads, structures, equipment or materials above and below the surface of the ground used in connection with or related to such process. Quarrying shall be considered as an activity within the definition of mining. Mining as defined herein shall include ground-disturbing exploratory activities designed to determine the process of stone, coal, sand, gravel, oil, gas, minerals or ore, including but not limited to, excavation, drilling, boring, or core borings; provided, however, that mining shall not include drilling or boring of a well for potable or agricultural water supply in compliance with a valid permit issued by the Fauquier County Health Department.

MOBILE HOME: See DWELLING, MOBILE HOME.

MOBILE HOME ACCESSORY STRUCTURE: Any of the following structures, not to exceed the respective areas shown, when located on a mobile home space: porches (200 square feet), carports (300 square feet); sheds (150 square feet), and entry vestibules (100 square feet).

MOBILE HOME PARK: An area of ten (10) acres or more, however designated, that is occupied or designed for occupancy by one (1) or more mobile homes. The term "mobile home park" does not include sales lot on which unoccupied mobile homes, whether new or used, are parked for the purpose of inspection and sale.

MOBILE HOME SALES, RENTAL AND SERVICE

ESTABLISHMENT: Any use of land whereon the primary occupation is the sale, rental or service of MOBILE HOMES in such condition that they are habitable and capable of movement on public streets. For the purpose of this Ordinance, mobile home sales, rental, service or storage of any other type of vehicle or equipment, including travel trailers, or manufacturing of mobile homes, but may include mobile home parts and accessory sales and installation or mobile home repair.

MOBILE HOME SPACE: An area within a mobile home park designed to accommodate one mobile home, not a "lot" as defined herein.

MODEL HOME: A dwelling temporarily used as a sales office for a residential development under construction; said home being used for on-site sales and not for general real estate business.

MODERATE INCOME FAMILY: For the purpose of this Ordinance, as defined by the Fauquier County Board of Supervisors' Policy on Housing Low and Moderate Income Families.

MODULAR HOME: A factory-built home, other than a manufactured home, which meets all of the following requirements:

- a. Is designed only for erection or installation on a site-built permanent foundation;
- b. Is not designed to be moved once so erected or installed;
- c. Is designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a state or local building code recognized as generally equivalent to building codes for site-built housing; or
- d. To the manufacturer's knowledge, is not intended to be used other than on a site-built permanent foundation.

MODULAR UNIT: See DWELLING, MODULAR UNIT.

MONOPOLE: A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For purposes of this Ordinance, a monopole shall not be deemed to be a transmission tower.

MOTEL: See HOTEL.

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by truck is assembled and/or stored for routing and reshipment or in which semi-trailers, including tractor and/or trailer units, and other trucks are parked or stored.

MOTOR VEHICLE STORAGE AND IMPOUNDMENT YARD: An area designed for the temporary storage of wrecked and/or inoperable and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

MULTIPLE FAMILY DWELLING: See DWELLING, MULTIPLE FAMILY.

MUSEUM: Any use the primary purpose of which is the exhibition of objects of lasting interest or value; such use may include the sale of items related to the objects exhibited in the facility (such as copies, prints or books dealing with objects of the types exhibited), if such sales are clearly secondary and subordinate to the primary use of exhibition.

NOISE: A subjective description of an undesirable or unwanted sound. The following items are defined as they relate to the **performance standard provisions of Part 6 of Article 8**

DECIBEL (abbreviated dB): A unit which describes the sound pressure level or intensity of sound. The sound pressure level in decibels is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar.

IMPACT NOISE: Relatively short duration noises generally produced by the striking of two (2) or more objects so as to be heard as separate distinct noises.

IMPACT NOISE ANALYZER: An instrument which measures the peak sound pressure of an impact noise and meets the standards of the American National Standards Institute or the International Electrotechnical Commission.

OCTAVE BAND ANALYZER: An instrument to measure the octave band composition of a sound by means of a bandpass filter. It shall meet the specifications of the American National Standards Institute and should be calibrated in the preferred frequencies (ANSI S1.4-1961, ANSI S1.6-1967, ANSI S1.11-1966).

PREFERRED CENTER FREQUENCY: The octave band designated by a single number which corresponds to its geometric center frequency. Nine (9) octave bands cover the entire range of frequencies of interest in industrial noise and are described in the American National Standards Institute Standard No. S1.6-1967.

SOUND: Fluctuations of atmospheric pressure which are audible to persons.

SOUND LEVEL METER: An instrument to measure the overall sound pressure level. It shall comply with the applicable

specifications of the American National Standards Institute (ANSI S1.4-1961).

NONCONFORMING BUILDING OR USES: A building or use, lawfully existing on the effective date of this Ordinance or prior ordinances, which does not conform with the regulations of the zoning district in which it is located, except as may be qualified by **Part 10 of Article 8** of this Ordinance.

NONCONFORMING LOT: A lot whose width, area or other dimension did not conform to the regulations when this code became effective.

NONCONFORMING SIGN: A sign or sign structure or portion thereof lawfully existing at the time this code became effective, which does not conform.

NONCONFORMING STRUCTURE: A building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

NONCONFORMING USE: See USE, NONCONFORMING.

NURSERY, PLANT: An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stocks for budding and grafting, or for sale.

NURSERY SCHOOL: Any place, however designated, operated for the purpose of providing training, guidance, education or care for four (4) or more children under six (6) years of age.

NURSING FACILITY: Also known as extended care home, rest home or convalescent home, a Nursing Facility is any place containing beds for two (2) or more patients, established to render domiciliary and/or nursing care for chronic or convalescent patients and which is properly licensed by the State, but not including child care homes or facilities for the care of drug addicts, alcoholics, mentally ill or developmentally disabled patients.

OBSTRUCTION: Any structure, growth or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in **Part 6 of Article 7**.

OCCUPANCY LOAD: The number of individuals normally occupying a building or part thereof, or for which the existing facilities have been designated.

OCTAVE BAND ANALYZER: See definitions under NOISE.

OFF-SITE: Any area outside the boundary of a lot.

OFF-STREET LOADING SPACE: See LOADING SPACE.

OFFICE: A room, studio, suite or building in which a person transacts his business or carries on his stated occupation, further defined in some provisions as BUSINESS OFFICE and PROFESSIONAL OFFICE. For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of material, goods and products; or the sale and delivery of any materials, goods and products; which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

OFFICE, BUSINESS: Any room, studio, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives.

OFFICE, PROFESSIONAL: Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects, but specifically excluding veterinarians.

ONE OWNERSHIP: Possession of land under single or unified control, whether by sole, joint, common or other ownership or by a lessee having a term of not less than thirty (30) years.

ON-SITE: That area which is within the boundary of a lot.

OPEN SPACE: That area provided in conjunction with the development of a lot that is intended to provide light and air and is designed for the purpose of preserving scenic, natural or historic resources, for the adaptation of a use into its surroundings, for recreational purposes or any combination thereof. Some or all of such open space may be available for entry and use by the residents or occupants of the development or by the public.

Open space may include, but need not be limited to, lawns, decorative planting, walk-ways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, wooded areas, water courses, ponds, pastureland, cropland and woodland. Other uses included in NON-COMMON OPEN SPACE are listed in the definition thereof. For the purpose of this Ordinance, open space shall include and be qualified as COMMON OPEN SPACE, DEDICATED OPEN SPACE, and NON-COMMON OPEN SPACE all as defined herein.

OPEN SPACE, COMMON: All open space within the boundaries of a given lot that is designed and set aside for use and enjoyment by all residents or occupants of the development or by the residents or occupants of a designated portion of the development. Common open space shall represent those areas not to be dedicated as public lands, but are to remain in the ownership of a homeowners association or of a condominium in accordance with the provisions set forth **in Articles 4 and 7 of this Ordinance.** Common open space shall not include any part of any individual lot, driveways, parking lots or other vehicular surfaces, any area occupied by a building, nor areas so located or so small or so circumscribed by buildings, driveway, parking lot or drainage areas, as to have no substantial value as open space.

OPEN SPACE, DEDICATED: All open space within the boundaries of a given lot which is to be dedicated or conveyed to the County or an appropriate public agency, board or body for public use as open space.

OPEN SPACE, NON-COMMON: That open space that is designed and set aside for the ownership, use and enjoyment of a person not necessarily a resident or occupant of the development, the homeowners association or condominium. Non-common open space may include **uses and** structures allowed in accordance with Sections 3-112 and 3-212 as well as those listed in the definition of OPEN SPACE above.

ORDINANCE: The Fauquier County Zoning Ordinance.

OWNER: Any person who has legal title to the land in question or the lessee to the land in question having a remaining term of not less than thirty (30) years.

OVERLAY DISTRICT: A zoning district superimposed on another, both having validity in governing the use of the property.

PARK: A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

PARK AND RIDE FACILITIES: Parking lots or structures located along public transit routes designed to encourage transfer from private automobiles to mass transit or to encourage carpooling for purposes of commuting, or for access to recreation area.

**PARK FACILITIES (GOVERNMENTAL/CIVIC),
NONATHLETIC:**

A piece of ground provided for use by the public and kept for ornament and recreation, for the purpose of this Ordinance such uses shall not include facilities for sports or athletic activities or camping, but may include areas of picnicking, walking, and riding horses and bicycles.

PARKING, COMMERCIAL OFF-STREET: Any space, whether required by the provisions of this Ordinance, specifically allotted to the parking of motor vehicles as an accessory use. For the purpose of this Ordinance, such space shall not be located in a dedicated right-of-way, a travel lane, a service drive, nor any easement for public ingress and egress.

PARKING FACILITIES, PUBLIC OR PRIVATE: Facilities for parking of operable motor vehicles which constitute the primary use of the property, whether or not a fee is charged.

PARKING GARAGE, COMMERCIAL: A building, other than a private garage, used for the parking of automobiles with or without a fee.

PARKING LOT: An open area, other than a street, used for the parking of automobiles.

PARKING SPACE: A designated off-street area which is available and usable for the parking of one (1) motor vehicle. Such space shall be of a size and design as required by the provisions of **Part 4 of Article 8**.

PARTICLE VELOCITY: See definitions under VIBRATION.

PERSON: A natural person, heirs, executors, administrators or assigns; also a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid. See also Section ____ of the Code of Virginia,

PETS, COMMONLY ACCEPTED: Domesticated rabbits; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; dogs; cats; domestic chickens; duck and geese under two (2) months old; birds, such as canaries, parakeets, doves, and parrots; worm/ant farms; non-poisonous spiders; chameleons and similar lizards; and non-poisonous snakes.

PHOTOMETER: See definitions under GLARE.

PIPESTEM DRIVEWAY: A driveway or means of access to a lot or several lots which do not abut a street other than by the pipestem driveway which is a part of the lot(s).

PIPESTEM LOT: See LOT, PIPESTEM.

PLACE OF WORSHIP: A Church or other public place of worship.

PLANNED DEVELOPMENT: An area of minimum contiguous size, as specified in Article 7 of this Ordinance, developed according to an approved Development Plan as a single entity, under one ownership or control, and containing one or more uses with appurtenant common areas.

POOL/BILLIARDS/AMUSEMENT ARCADE FACILITY: Any business conducted entirely indoors, offering for use pool or billiards tables or equipment for similar games, and/or amusement equipment such as pin-ball machines.

PORCH: Any veranda, gallery, terrace, piazza, portico or similar projection from a main wall of a building and covered by a roof, other than a carport, as defined herein. An unenclosed porch is a porch with no side enclosure (except screens) that is more than eighteen (18) inches in height other than the side of the buildings to which the porch is attached.

PREFERRED CENTER FREQUENCY: See definitions under NOISE.

PRIMARY HIGHWAY: See STREET, PRIMARY HIGHWAY.

PRIMARY SURFACE: A surface, whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations, longitudinally centered on a runway.

PRINCIPAL BUILDING: A building in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USE: The main use of land or structures as distinguished from a secondary or accessory use.

PRIVACY YARD: See YARD, PRIVACY.

PRIVATE CLUB: An association organized and operated on a non-profit basis for persons who are bona fide members paying dues, which association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available.

PRIVATE STREET: See STREET, PRIVATE.

PROFESSIONAL OFFICE: See OFFICE, PROFESSIONAL.

PROPORTIONATE SHARE ALLOCATION: A mathematical calculation used to determine the number of additional lots that can be created in the rural zoning districts from parcels subdivided subsequent to May 21, 1981. Fractional numbers are rounded down to the nearest whole integer.

PUBLIC IMPROVEMENT: Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or for which the local government responsibility is established.

PUBLIC STREET: See STREET, PUBLIC.

PUBLIC USE: Any area, building or structure held, used or controlled government, without reference to the ownership of the building or exclusively for public purposes by any department or branch of the structure or of the realty upon which it is situated.

PUBLIC UTILITY: A business or service having an appropriate franchise from the State which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, water, transportation or communications.

PUBLIC WAY: Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

QUASI-PUBLIC: Essentially a public use, although under private ownership or control.

QUASI-PUBLIC USES: Any use which is essentially public, as in services rendered, although it is under private ownership or control.

REAR YARD: See YARD, REAR.

RECREATION SPACE, ACTIVE: Generally flat, open, well-drained usable areas which are configured and located to provide facilities for active recreation. Active recreation space may include facilities such as ball fields, tennis courts, swimming pools, tot lots, or other similar play areas. Active recreation space may also be used for camping, picnicking, boating, fishing, swimming, outdoor games and sports, equestrian activities and activities incidental and related to the foregoing, all on a non-commercial basis.

RECREATIONAL VEHICLE: ~~A vehicular unit, other than a mobile home, whose gross floor area is less than 320 square feet, which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer or van.~~

RECREATIONAL VEHICLE: Any building, structure, or vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers, horse trailers, and camping trailers not meeting the specifications required for a manufactured home or mobile home.

RECREATIONAL VEHICLE STORAGE AREA: Any lot or parcel of land use or intended to be used for the commercial storage of two (2) or more recreational vehicles.

RECYCLING FACILITY: Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

RELIGIOUS, CULTURAL AND FRATERNAL ACTIVITY: A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

REPAIR SERVICE ESTABLISHMENT: Any building wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, vacuum cleaners, power tools, electric razors, refrigerators and lawnmowers not exceeding five (5) horsepower; or any building wherein the primary occupation is interior decorating to include reupholstering and making of draperies, slip covers and other similar articles, but not to include furniture or cabinet-making establishments.

RESIDENTIAL CARE FACILITY: A facility licensed or supervised by an appropriate State or Federal agency to provide resident services and 24-hour supervision. Such a facility is headed by an agency-approved staff and functions as a single housekeeping unit. The term RESIDENTIAL CARE FACILITY shall include family care homes, foster homes and group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons not members of a family as defined in this Article (see FAMILY).

RESIDENTIAL DEVELOPMENT: Any development involving the creation of subdivided lots or dwelling units on any lot of record as of May 21, 1981.

RESORT: A use which provides lodging, meals, entertainment, and recreation in a rural setting for vacationers.

RESTAURANT: See EATING ESTABLISHMENTS.

RETAIL SALES: The sales of goods, merchandise and commodities for use or consumption by the immediate purchaser.

RETAIL SALES ESTABLISHMENT: Any building wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use in consumption by the immediate purchaser. For the purpose of this Ordinance, however, retail sales establishments shall not be interpreted to include motor vehicle related uses and EATING ESTABLISHMENTS as defined herein.

REVERSE FRONTAGE LOT: See LOT, REVERSE FRONTAGE.

REZONING, See ZONING MAP AMENDMENT

ROAD: See STREET.

RUNWAY: A specified area on an airport prepared for landing and takeoff of aircraft.

SALVAGE YARD: Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, materials such as scrap materials such as scrap metals, paper, rags, tires and bottles.

SANITARY LANDFILL: Any land upon which putrescible filling material, consisting in whole or in part of garbage, refuse, trash, rubbish, sludge or any other solid waste, is dumped, thoroughly compacted and promptly covered with earth or other suitable material under constant supervision and in such manner as will prevent the entrance of rodents or other vermin, the breeding of insects, the escape of odors and the outbreak of fire.

SATELLITE ANTENNA: Any accessory capable of receiving, for the sole benefit of the principle use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.

SCHOOL, PRIMARY: A public, private or parochial school for the purpose of providing education for children of less than 15 years of age, but not including other schools defined herein or riding schools.

SCHOOL, SECONDARY: A public, private or parochial school for the purpose of providing education through the high school level (twelfth grade), but not including TECHNICAL SCHOOLS, COLLEGE/ UNIVERSITY. However, secondary schools shall for the purpose of this Ordinance include technical schools operated by the County.

SCHOOL OF SPECIAL/TECHNICAL EDUCATION:: A school primarily developed to giving instruction in vocational, professional, musical, dramatic, artistic, dancing, nursing, secretarial, linguistic, scientific, religious or other special subjects.

SCHOOL OF SPECIAL/TECHNICAL EDUCATION, INDOOR: A school in which all instruction, practice, demonstration and other related activities are conducted within a building(s); includes automobile driving schools where all practice and demonstration is conducted on **VDOT-maintained** highways.

SCHOOL SPECIAL/TECHNICAL EDUCATION, OUTDOOR: A school in which all or part of this instruction, demonstration, practice and

other related activities are conducted outdoors, including but not limited to instruction in the operation of vehicles and heavy equipment.

SEISMOGRAPH: See definitions under VIBRATION.

SERVICE DISTRICT: An area designated in the Comprehensive Plan and designed to accommodate the highest density residential, commercial and industrial uses and which are either currently served with public utilities or planned for future services.

SERVICE DRIVE: See STREET, SERVICE DRIVE.

SERVICE STATION: Buildings and premises, including not more than three (3) interior service stalls, wherein the primary use is the supply and dispensation at retail of gasoline, oil, grease, batteries, tires and motor vehicle accessories, and where, in addition, the following services may be rendered and sales made, and no other, but only as accessory and incidental to the primary occupation.

- a. Sales and servicing of spark plugs, batteries and distributors and distributor parts;
- b. Tire servicing and repair, but not recapping or regrooving;
- c. Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
- d. Washing and polishing and sale of automotive washing and polishing materials;
- e. Greasing, lubrication and radiator flushing;
- f. Minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines;
- g. Emergency wiring repairs;
- h. Adjusting and repairing brakes;
- i. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;

- j. Sales of cold drinks, packaged foods, tobacco and similar convenience goods for service station customers, but only when such sales are conducted inside the principal building;
- k. Provision of road maps and other informational material to customers, and provision of restroom facilities.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.

A service station shall not be interpreted to include a facility having more than three (3) interior service stalls which shall be deemed a VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENT and, for the purpose of this Ordinance, any combined service station-car wash facility shall be deemed a CAR WASH.

SETBACK: The minimum required distance between the property line and the building line.

SEWAGE TREATMENT SYSTEM: A system to digest and/or treat more than 1,200 gallons per day (gpd) of sewage; or any system approved for experimental or provisional use by the Virginia Department of Health; or any system requiring discharge into an open ditch or water as the means of disposal.

SHOPPING CENTER: Any group of two (2) or more commercial uses which (a) are designed as a single commercial group, whether located on the same lot, (b) are under common ownership or management, (c) are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walk-ways and access-ways designed to facilitate customer interchange between the uses, (d) share a common parking area, and (e) otherwise present the appearance of one (1) continuous commercial area.

SHRUB: A woody plant that usually remains low and produces shoots or trunks from the base; it is not usually tree-like nor single-stemmed.

SIDE YARD: See YARD, SIDE.

SIGN: See Part 5 of Article 8 for definition of signs of all types and other terms pertaining thereto.

SINGLE FAMILY DWELLING: See DWELLING, SINGLE FAMILY.

SITE PLAN: A required submission, prepared and approved in accordance with the provisions of Part 7 of Article 9, which is a detailed engineering drawing of the proposed improvements required in the development of a given lot. For the purpose of this Ordinance, a site plan is not to be construed as a DEVELOPMENT PLAN as required by other provisions of this Ordinance.

SLIDING SCALE: A method for determining the allowed residential density in the rural zoning districts (RA and RC) whereby the number of new lots that can be created from a parcel is determined by the size in acres of the parent parcel of record as of May 21, 1981.

SMALL CONTRACTING BUSINESS: Small Contracting Businesses include the following uses and those uses determined by the Zoning Administrator to be sufficiently similar thereto in terms of type, scale and impact.

- a Construction and/or repair of building, roads, fencing and utility lines.
- b. Installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling.
- d. Excavating.
- e. Custom farming not in conjunction with a farming operation.

SOCIAL, FRATERNAL, CIVIC, PUBLIC BENEFIT AND SIMILAR ORGANIZATIONS: Associations organized and operated on a nonprofit basis for persons who are bona fide members, which association owns or leases premises, the use of which premises is restricted to such association by and through a board of directors, executive committee or similar body chosen by the members. Such uses do not include fire company or rescue squad buildings which house emergency vehicles. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available.

SOIL: The surface or surface covering of the land, not including the minerals beneath it or the vegetation upon it. **Also known as dirt.**

SOUND: See definitions under NOISE.

SOUND LEVEL METER: See definitions under NOISE.

SPACE, MOBILE HOME: See MOBILE HOME SPACE.

SPECIAL EXCEPTION: A use permitted by approval of the Board of Supervisors in a zoning district, if listed in the district's regulations, but only upon a showing that such a use in a specified location will comply with all the conditions and standards specified in this Ordinance and/or imposed by the Board of Supervisors as authorized by the Code of Virginia.

SPECIAL PERMIT: A use permitted by approval of the Board of Zoning Appeals in a zoning district, if listed in the district's regulations, but only upon a showing that such a use in a specified location will comply with all the conditions and standards specified in this Ordinance and/or imposed by the BZA as authorized by the Code of Virginia.

SPECTATOR SPORTS: Refers to facilities on which sports matches are played and/or performances conducted which persons attend to watch and for which a fee is customarily paid. Non-spectator facilities are those in

which most of the persons present participate in the activities conducted therein.

STABLE, RIDING/BOARDING: A structure and/or use of land where horses or ponies are kept, maintained and/or boarded for profit, or in connection with which saddle horses or ponies are rented to the general public, made available to members of a private club or boarded for the convenience of their absentee owners. Exercise rings and show rings shall be considered uses accessory to the use of the premises of a stable.

STEADY STATE: See definitions under VIBRATION.

STORY: That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STREAM VALLEY: Any stream and the land extending from either side of it to a line established by the high point of the concave/convex topography, as delineated on a map adopted by the Board.

STREET: A strip of land intended for vehicular or pedestrian traffic and providing the principal means of access to property, including, but not limited to, road, lane, drive, avenue, highway, boulevard or any other thoroughfare.

STREET, CUL-DE-SAC: See CUL-DE-SAC.

STREET LINE: The dividing line between a street and a lot, same as a right-of-way line of a public street or the curb line of a parking bay, travel lane or private street.

STREET, LOCAL COLLECTOR: A street so designated in the Comprehensive Plan, or any other public or private street or right-of-way easement of record not specifically addressed in the Comprehensive Plan.

STREET, MAJOR COLLECTOR: A street so designated in the Comprehensive Plan.

STREET, MAJOR THOROUGHFARE: A street so designated in the Comprehensive Plan.

STREET, PRIMARY HIGHWAY: Any street, so classified by the Virginia Department of Transportation, bearing a route number less than 600.

STREET, PRIVATE: A local or collector street, not a component of the State primary or secondary system, which is guaranteed to be maintained by a private corporation and is subject to the provisions of **Part 3 of Article 8**.

STREET, PUBLIC: A platted street, dedicated for the use of the general public, graded and paved in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted, and currently maintained by the Commonwealth of Virginia.

STREET, SECONDARY HIGHWAY: Any street, so classified by the Virginia Department of Transportation, bearing a route number of 600 or greater.

STREET, SERVICE DRIVE: A public street, paralleling and contiguous to a major thoroughfare, designed primarily to promote safety by providing free access to adjoining property and limited access to major thoroughfares. All points of ingress and egress are subject to approval by

the appropriate County authorities and the Virginia Department of Transportation.

STREET, TRAVEL LANE/TRAVEL WAY: A right-of-way commonly, but not always, located on the front of a lot, providing access from one lot to another serving the same function as a service drive, although not necessarily a public street.

STRUCTURAL ALTERATION: A change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

STRUCTURE: That which is built or constructed. The term "structure" shall be constructed as though followed by the words "or parts thereof". Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, silos, earth formations, poles and overhead electric transmission lines, and flag poles.

SUBDIVISION: The division of a parcel of land subdivided into two (2) or more new parcels, and where appropriate to the context, the process of subdividing or resubdividing. The process of subdividing is regulated by the Fauquier County Subdivision Ordinance.

SUBDIVISION, CLUSTER: An alternate means of subdividing a lot **in the residential zoning districts** premised on the concept of reducing lot size requirements for the provision of open space in conjunction with the development, all in accordance with the provisions of **Article 4**.

SUBDIVISION, CONVENTIONAL: The subdivision of a lot in accordance with the lot size requirements and bulk regulation specified for same in the district regulations.

SUBDIVISION, SUBSTANDARD: A subdivision heretofore lawfully recorded within which may exist one of the following elements:

- a. Fifty (50) percent or more of the lots therein contain either an area or width less than the area or width required by current provisions of this Ordinance; or
- b. Served by a public street providing less than fifty (50) feet of right-of-way width; or a private street not in compliance with the provisions of Part 3 of Article 8, Private Streets; or

- c. Contains lots with a depth three (3) times or more than that of the width thereof; or
- d. Contains street alignment or gradients incompatible with existing topography to the extent that such alignment or gradients do not conform to either standards adopted by the County relative thereto or to the provisions of this Ordinance, as the case may be; or
- e. Contains entire lots or streets located within a floodplain area; or
- f. Contains street elevations which, when related to the elevations of lots adjacent thereto, are such as do not conform to either standards adopted by the County relative thereto or to the provisions of the Subdivision Ordinance, as the case may be.

SURVEYOR: See LAND SURVEYOR.

TELECOMMUNICATION USES AND/OR STRUCTURES: A use provided by or a structure utilized by a public service utility or public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services. telephone. A telecommunications structure may include a tower, monopole, and other antenna support structure or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Telecommunications uses and/or structures also does not include those uses or structures that are accessory to and solely used by an individual business.

THEATER: A building or structure designed for the enactment of dramatic performances and/or showing of motion pictures. For the purpose of this Ordinance, a dinner theater shall be deemed an EATING ESTABLISHMENT and a drive-in motion picture theater shall be deemed a separate and distinct use.

TOURIST HOME OR BOARDING HOUSE: Any building or portion thereof containing sleeping accommodations for not more than twelve (12) persons who are not members of a family as defined in Section 2-502, and wherein normally a charge is paid for such accommodations. The term "tourist home" shall be deemed to include the term "boarding house" but not hotel or motel or other accommodations used for transient occupancy.

TRANSITIONAL SURFACES: Surfaces, whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations, which extend outward perpendicular to the runway centerline, sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

TRANSITIONAL ZONE: A zone perpendicular to the runway centerline and approach surfaces whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations.

TRAVEL LANE: See STREET, TRAVEL LANE/TRAVEL WAY.

TRAVEL TRAILER: A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "Travel Trailer" thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its overall length does not exceed twenty-nine (29) feet. For the purpose of this Ordinance, a travel trailer shall not be deemed a MOBILE HOME.

TREE: Any self-supporting woody plant growing upon the earth which usually produces one (1) main trunk, measuring no less than four (4) inches diameter at four and one-half (4 1/2) feet from the ground, and which produces a more or less distinct and elevated head with many branches. For the purpose of this Ordinance, any dogwood or American holly whose main trunk measures not less than two (2) inches at three (3) feet from the ground shall be considered a tree.

TRUCK AND HEAVY EQUIPMENT SALES, RENTAL AND SERVICE ESTABLISHMENT: Any use of land whereon the primary occupation is the sale, rental or service of trucks, busses, and heavy equipment in operating condition, including earth moving, well drilling, and construction equipment, and cranes. For the purpose of this Ordinance, truck and heavy equipment sales, rental and service establishment shall not include FARM EQUIPMENT, SALES, RENTAL AND SERVICE, as defined herein, and the service of vehicles and equipment shall not be interpreted to include a SERVICE STATION, but may include diagnostic centers, truck and heavy equipment parts and accessory shops where installation of parts is a distinct feature of the business, and may include auto body, or paint shops when ancillary to sales, rental, and repair.

URBAN COTTAGES: An accessory dwelling unit which is a secondary dwelling established in conjunction with, clearly, subordinate and secondary to, and located on the same lot or parcel as a single family detached dwelling unit. Such a unit shall be allowed only in the Planned Residential District and only in accordance with the provisions of Section 7-106 of this Ordinance.

USE: The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

USE, ACCESSORY: See ACCESSORY USE.

USE, NONCONFORMING: A use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.

USE, PRINCIPAL: A use which fulfills a primary function of a household, establishment, institution or other entity.

USE, PUBLIC: See PUBLIC USE.

USE, TEMPORARY: A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment shed, fireworks, carnivals, flea markets, and garage sales.

VARIANCE: A deviation from the height, bulk, setback, parking or other dimensional requirements established by this code.

VDOT: The Virginia Department of Transportation.

VEGETATION: Any object of natural growth.

VEHICLE, INOPERABLE: See INOPERABLE VEHICLE.

VEHICLE SALE, RENTAL AND SERVICE ESTABLISHMENT: Any use of land whereon the primary occupation is the sale, rental and ancillary service of any vehicle in operating condition such as an automobile, motorcycle, trailer, ambulance, taxicab, recreational vehicle, mobile home, boat. For the purpose of this Ordinance, vehicle sale, rental and service establishment shall not include the storage of trucks of more

than one and one-half (1 1/2) tons in weight or buses, and the service of any vehicle shall not be interpreted to include a **SERVICE STATION** having less than four (4) interior service stalls, but may include automobile diagnostic centers, auto parts and accessory shops where installation of parts is a distinct feature of the business; and may include auto body, paint or repair shops and rental establishments where ancillary to sales.

VETERINARY CLINIC: A facility rendering surgical and medical treatment to animals and having no limitation on overnight accommodations for such animals. Crematory facilities shall not be allowed in a veterinary hospital.

VIBRATION: A reciprocating movement transmitted through the earth, both in horizontal and vertical planes. The following terms are defined as they relate to the **performance standard** provisions of **Part 6 of Article 8**:

ACCELERATION: The rate of change of particle velocity.

AMPLITUDE: The maximum displacement of the earth from the normal rest position. Amplitude is usually reported as inches or miles.

DISPLACEMENT: The amount of motion involved in earthborn vibration. It is referred to the normal rest position of the earth and is, therefore, one-half (1/2) of the total excursion for a steady state vibration. Displacement is usually reported in inches or decimal fractions of an inch.

FREQUENCY: The number of times that a displacement completely repeats itself in one second of time. Frequency is designated in hertz (Hz).

IMPACT: An earth born vibration generally produced by two (2) or more objects striking each other so as to cause separate and distant pulses.

PARTICLE VELOCITY: A characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by multiplying the frequency by the amplitude times the factor of 6.28. The particle velocity will be in inches per second when the frequency is expressed in cycles per second and the amplitude in inches.

SEISMOGRAPH: An instrument which measures vibration characteristics simultaneously in three (3) mutually perpendicular planes. The seismograph may measure amplitude and frequency, particle velocity or acceleration.

STEADY STATE: A vibration which is continuous as from a fan, compressor or motor.

WAREHOUSE, WHOLESALE OR STORAGE: A building or premises in which good, merchandise or equipment are stored for eventual distribution.

WATT: See definitions under GLARE.

WAYSIDE STAND: A temporary structure and/or use of land designed for the display and sale of agricultural products with no space for customers within the structure itself, subject to the **accessory use** provisions of **Part 7 of Article 8**. For the purpose of this Ordinance, a tent may not be used as a wayside stand.

WEDDING CHAPEL: A structure used for the performance of marriage ceremonies and, if desired, receptions associated therewith.

WHOLESALE TRADE ESTABLISHMENT WITH ASSOCIATED RETAIL SALES: A wholesale sales facility in which retail sales are ancillary to the primary use and occupy not more than five (5) percent of the gross floor area.

WHOLESALE SALES: The sale of goods, merchandise and commodities in gross, primarily for purposes of resale.

WHOLESALE TRADE ESTABLISHMENT: Any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers.

WIDTH, LOT: See LOT, WIDTH.

WINERY WITH SPECIAL EVENTS, MINOR OR MAJOR: An event or activity held at a winery to promote a wine product, by holding such uses as private parties, meals, and wine-related festival. **Major events are those with more than 300 attendees per event. Both major and minor events are subject to the regulations in Section 8-118 of this Ordinance.**

YARD: Any open space on the same lot with a building or building group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this Ordinance. On any lot which is occupied by an attached or multiple family dwelling, no minimum required yard shall be occupied by any part of a vehicular travel-way or parking space that is owned and maintained by a homeowner's association, condominium or by the public.

For the purpose of this Ordinance, there shall be distinction between "yard" and "minimum yard required". The minimum yard requirements set forth in this Ordinance represent that minimum distance which the principal building(s) shall set back from the respective lot lines.

On a lot where a service drive is to be dedicated to the County or to the Virginia Department of Highways and Transportation, such dedication shall not affect the applicable minimum yard requirements. The minimum required yard shall be established from the original lot line, except in no instance shall a building be erected closer than fifteen (15) feet to the nearest street line. This provision shall not apply to a lot(s) which contains a single family detached dwelling unit.

YARD, FRONT: A yard extending across the full width of a lot and lying between the front lot line and the principal building.

On a corner lot, all yards lying between the principal building and the intersecting streets shall be deemed to be front yards.

On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same, except in those instances where one (1) of the streets is in an alley.

YARD, PRIVACY: A small area contiguous to a building and enclosed on at least two (2) sides with either a wall or fence of six (6) feet minimum height.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group.

On a corner lot, the rear yard shall be that yard on the opposite side of the building from the front lot line, which extends from the front yard line on the one side to the opposite side lot line. Where corner lots are designed for single family detached dwellings in the Residential Districts the rear yard may be such minimum dimension as the side requirements for that district.

YARD, SIDE: A yard between the side lot line of the lot and the principal building and extending from the front yard to the rear yard or, in the absence of either of such yards, to the front or rear lot lines, as the case may be.

YARD/GARAGE SALE: The sale of goods from a residence, whether conducted in the dwelling, garage or other building or outdoors.

ZERO LOT LINE DEVELOPMENT: Single family dwellings arranged on individual lots as either detached structures with one or more side walls on a side property line.

ZONE: All areas relating to the Airport Safety and Impact Overlay District as provided for in Part 6 of Article 7 of this Ordinance, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Part 6 of Article 7 of this Ordinance, and whose design standards are set forth in Part 77, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations or in successor federal regulations.

ZONING ADMINISTRATOR: See Administrator

ZONING DISTRICT: See DISTRICT definitions above.

ZONING MAP AMENDMENT: A change by the Board of Supervisors in the zoning district designation for a parcel or group of parcels in accordance with the procedures set forth in Article 9.

ZONING ORDINANCE TEXT AMENDMENT: An amendment by the Board of Supervisors to the text of the Zoning Ordinance in accordance with the procedures set forth in Article 9.

ZONING PERMIT: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or a building, which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance or an authorized variance therefrom.